



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 01 2010

Tina J. Terrell, Forest Supervisor
Kern River Ranger District
Piute Fire Restoration Project
105 Whitney Road, P.O. Box 9
Kernville, CA 93238

Subject: Final Environmental Impact Statement for the Piute Fire Restoration Project,
Kern County, California (CEQ#20100152)

Dear Ms. Terrell:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

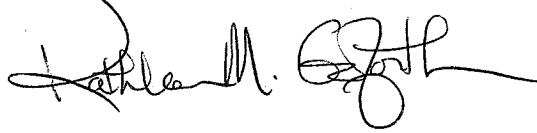
EPA reviewed the Draft Environmental Impact Statement (DEIS) and provided comments to the Forest Service on December 18, 2009. We rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) and asked that the Final Environmental Impact Statement (FEIS) include additional information on air quality mitigation measures, how climate change may affect the proposed project (particularly reforestation efforts), and how the potential use of pesticides during reforestation may affect aquatic and non-target species.

EPA is pleased that many of the issues identified in our DEIS comment letter (enclosed) have been addressed in the FEIS. Additional information was provided that addresses our concerns about potential emissions of fugitive dust and particulate matter during the project, as well as the potential use of pesticides during reforestation.

EPA's comment letter for the DEIS recommended that the Forest Service include a detailed description of climate change and its implications for the proposed action and successful reforestation. We ask that, as the Piute Fire project moves from the planning phase to implementation, the Forest Service incorporate consideration of climate change into its adaptive management plan. A section devoted to climate change was added to the FEIS, and includes information on greenhouse gas (GHG) emissions generated from the 2008 Piute Fire, as well as a discussion of likely GHG emissions resulting from project activities (including salvage treatments). The document does not, however, address how a changing climate may affect the proposed project, particularly reforestation efforts.

We appreciate the opportunity to review this FEIS. If you have any questions, please contact me at (415) 972-3521, or Jason Gerdes, the lead reviewer for this project. Jason can be reached at (415) 947-4221 or gerdes.jason@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen M. Goforth". The signature is fluid and cursive, with a large initial "K" and a stylized "G".

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Enclosure: EPA's DEIS comment letter



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75 Hawthorne Street
San Francisco, CA 94105-3901

DEC 18 2009

Tina J. Terrell, Forest Supervisor
Kern River Ranger District
Piute Fire Restoration Project
105 Whitney Road, P.O. Box 9
Kernville, CA 93238

Subject: Draft Environmental Impact Statement for the Piute Fire Restoration Project (CEQ#20090376)

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above project. Our review and comments are pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Proposed Action would use a commercial timber harvest to salvage dead and dying trees on approximately 350 acres, mechanical equipment to treat fuels and small dead trees by chipping or masticating on more than 1,900 acres, and would plant tree seedlings on a little over 500 acres within the treatment areas. As part of this project, roads would be reconstructed and repaired to facilitate access to treatment areas and to improve watershed conditions.

EPA supports the effort to rehabilitate the fire-damaged forests as soon as possible. We acknowledge the need to reforest in order to stabilize the soil and prevent soil losses from debris flows and mudflows. We also understand the desire to harvest fire-killed trees while there is sufficient timber value to fund needed restoration efforts. However, based on our review, we have rated the project and DEIS as Environmental Concerns - Insufficient Information (EC-2). A *Summary of EPA Rating Definitions* is enclosed.

We ask that the Final Environmental Impact Statement (FEIS) provide additional information on air quality mitigation measures, how climate change may affect the proposed project (particularly reforestation efforts), and how the potential use of pesticides during reforestation may affect aquatic and non-target species. Our enclosed detailed comments provide additional information regarding the concerns identified above.

We recommend that the Forest Service's preferred alternative (Alternative B) be amended to incorporate more of the elements crafted for Alternative C. Alternative B does not fully address the significant issues identified by the Forest Service. Alternative C, developed because of public concerns over the amount of salvage logging proposed for the project, addresses two of the significant issues—loss of wildlife habitat and long-term soil productivity—raised by the public, and better aligns the preferred alternative with the 2001 Sierra Nevada Forest Plan Amendment.

We appreciate the opportunity to review this DEIS. We are available to discuss our comments. When the FEIS is released for public review, please send one hard copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Jason Gerdes, the lead reviewer for this project, at (415) 947-4221 or gerdes.jason@epa.gov.

Sincerely,

Kathleen M. Goforth
for Kathleen M. Goforth, Manager
Environmental Review Office

Enclosures:

Summary of EPA Rating Definitions

Detailed Comments

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

**US EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE PIUTE FIRE RESTORATION PROJECT, KERN COUNTY, CALIFORNIA
DECEMBER 18, 2009.**

Alternatives

Alter Alternative B to incorporate features of Alternative C.

The DEIS describes four significant issues raised by the public, two of which are characterized as addressed through Alternative C, the modified action alternative. Alternative C, however, is not the preferred alternative, for reasons (primarily economic) elaborated in the DEIS.

Recommendations:

EPA recommends that the FEIS describe how Alternative B, the proposed action, adequately addresses the significant issues articulated in Table 1 of the DEIS. If Alternative B does not address these environmental concerns, then the elements of Alternative C that prescribe 15-inch diameter limit on commercial harvest and a 10-inch diameter limit on fuels treatments should be merged into the proposed project.

Air Quality

Include a Construction and Operations Emissions Mitigation Plan.

The DEIS raises dust and other emissions from the project as a significant issue ("Noise and Dust", pg. 9), yet provides little description of how such emissions will be mitigated. The Kern County Air Pollution Control District regulation for Fugitive Dust (Regulation 8) is referenced on pg. 25 as a control strategy for major sources of dust, but the Forest Service also states that "EPA has recently cited deficiencies in these existing rules and the District is evaluating a series of new rules aimed at further reduction in particulates." (There is another short reference to fugitive dust on pg. 52, but only one mitigation measure is discussed--using water on Forest System roads.)

Recommendation:

EPA recommends that the Forest Service include a Construction and Operations Emissions Mitigation Plan for fugitive dust and diesel particulate matter (DPM) in the FEIS and adopt this plan in the Record of Decision (ROD). We recommend that the following measures be included in order to reduce impacts associated with emission of particulate matter and other toxics, particularly in areas where the public or Forest Service staff may be impacted:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or other dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.

- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earthmoving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies. The California Air Resources Board has a number of mobile source anti-idling requirements which could be employed. See their website at:
<http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>.
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- If practicable, lease new, clean equipment meeting the most stringent of applicable federal or state standards.

Administrative controls:

- Identify all commitments to reduce construction and operations emissions in the FEIS and specify air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public).

Climate Change

Describe climate change and its effects on proposed project, especially reforestation efforts.

Current research indicates that climate change could impact the amount, timing, and intensity of rain and storm events; increase the length and severity of the fire season; modify the rate and distribution of harmful timber insects and diseases; and aggravate already stressed water supplies. A significant change in the weather patterns could have important implications for how we manage our forests. A number of studies specific to California have indicated the potential for significant environmental impacts as a result of changing temperatures and subsequent environmental impacts.¹ The California Climate

¹Our Changing Climate: Assessing the Risks to California, A Summary Report from the California Climate Change Center, July 2006.

Action Team recently released a report² on the impacts of climate change to California, the latest research, and State efforts to adapt to impacts. The report indicates that estimates of the long-term risk of large wildfires in California are substantial, with increases in occurrences statewide ranging from 58% to 128% in 2085.

The DEIS does not include a section devoted to climate change. Recent Forest Service documents, however, including the "Strategic Framework for Responding to Climate Change," as well as Chief Tidwell's November 20, 2009 memo to Forest Service staff calling for Regions, Stations, and Area climate action plans, indicates the Forest Service's commitment to mitigating the effects of climate change, and planning projects to adapt to these effects. The FEIS should include a section that describes how the proposed project may be affected by climate change, as well as how long-term climate effects, including temperature increases or prolonged droughts, may affect reforestation efforts.

Recommendation:

We recommend the FEIS include a detailed description of climate change and its implications for the proposed action and successful reforestation. For example, describe and evaluate projected climate change consequences such as increased frequency of high intensity storms, amplified rain events, and greater severity and frequency of insect outbreaks, droughts, and fire seasons, and their potential effects on the success of reforestation efforts.

Pesticides

Assess the use of pesticides in the proposed project.

The proposed action does not mention the use of herbicides or other pesticides as part of the reforestation effort. EPA's concern is that pesticides used during conifer seedling planting, or later, in follow-up actions to release the seedlings from brush competition, could migrate through soil, water, and/or air and impact aquatic and non-target species.

Recommendation:

Describe in the FEIS if pesticides are going to be used during the proposed project, particularly during the planting of the native seedlings, and if so, what mitigation measures are in place to protect aquatic and non-target species.

² Draft 2009 Climate Action Team Biennial Report to the Governor and Legislature. See internet address: <http://www.climatechange.ca.gov/publications/cat/index.html>.